

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

HEMLOCK SEMICONDUCTOR
CORPORATION,

Plaintiff,

Case No. 13-cv-11037

v.

Honorable Thomas L. Ludington

DEUTSCHE SOLAR GmbH,
f/k/a DEUTSCHE SOLAR AG,

Defendant.

**ORDER PROVISIONALLY GRANTING DEFENDANT'S
MOTION TO FILE UNDER SEAL**

On November 7, 2014, Defendant Deutsche Solar GmbH filed a reply, ECF No. 46, to Plaintiff Hemlock's response, ECF No. 37, to Deutsche Solar's Motion to Compel Discovery, ECF No. 30. On November 7, 2014, Defendant filed a motion requesting that certain portions of a deposition transcript, attached as an exhibit to Defendant's reply brief, be filed under seal by Defendant. ECF No. 47.

Pursuant to Local Rule 5.3(b)(A), a motion to authorize sealing must:

- (i) state the authority for sealing;
- (ii) include an identification and description of each item proposed for sealing;
- (iii) state the reason that sealing each item is necessary;
- (iv) state the reason that a means other than sealing is not available or unsatisfactory to preserve the interest advanced by the movant in support of the seal; and
- (v) have a supporting brief.

E.D. MICH. LR 5.3(b)(A).

Defendant's motion to seal satisfies these requirements. The brief accompanying the motion establishes that the exhibit Defendant's reply brief contains non-public information "about antidumping trade disputes concerning the solar industry that are pending before the United States Court of International Trade and the United States Department of Commerce." ECF No. 47. Defendant also adequately describes the exhibit it wishes to seal, and what information that exhibit contains. This is, however, a court of public record. Thus, Defendant's motion to seal will be granted only on the condition that the transcript referenced by Defendant is not currently necessary to an adjudicatory process. If the sealed item becomes relevant to an adjudicatory process (e.g., argument on the record in open court, publishing of a written opinion, etc.) this order will need to be revisited and the document may be unsealed. Until that time, Defendant's motion to seal will be granted.

Accordingly, it is **ORDERED** that Defendant's motion to file exhibit under seal (ECF No. 47) is provisionally **GRANTED**.

Dated: November 10, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 10, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS